IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 5971 of 2007(J)

PETITIONER:

JOHN MICHAEL, THAIKKOTTATHIL,
MEENKETTU, CHITHIRAPURAM, PALLIVASAL VILLAGE,
IDUKKI DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:

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1. THE PALLIVASAL GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PALLIVASAL,
CHITHIRAPURAM, IDUKKI DISTRICT.

2. THE REVENUE DIVISIONAL OFFICER,
DEVIKULAM.

3. THE TAHSILDAR DEVIKULAM.

4. THE VILLAGE OFFICER, PALLIVASALA VILLAGE
CHITHIRAPURAM.

BY G.P. SMT.T.B.RAMANI

BY ADV. SRI.K.JAJU BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 5971 of 2007

Dated this 12th day of March, 2007

JUDGMENT

The grievance, which is voiced by the petitioner, is that though construction of a Tourist Resort by name Maria Cliff Resorts was taken up by him on 2 Acres and 25 cents of property in Resurvey No.15. 165/1-3 of Pallivasal Village on the basis of a no objection certificate issued by the first respondent panchayat, respondents 2 and 4 viz. RDO and the Village Officer respectively are without any reasonable cause interfering with the construction and preventing him from carrying out the construction. Even though more than one opportunity was given to the Government Pleader for seeking instruction from respondents 2 and 3, she has not been able to get instructions so far.

2. Heard both sides. Considered the documents placed on record by the petitioner. I do not find any reason presently as to why respondents 2 and 4 should interfere in the matter of

carrying out of the construction by the petitioner.

I dispose of the writ petition permitting the petitioner to complete the construction of the Resort by name Maria Resort in the property which is subject matter of this writ petition. However, the petitioner will be informed that the construction will be at his risk and will not stand in the way of the Government or respondents 2 to 4 initiating any proceedings in future on valid grounds.

PIUS C.KURIAKOSE
Judge

dpk